

ASSURANCE OF VOLUNTARY COMPLIANCE

In the matter of

**THE MANDATORY POSTER AGENCY, INC;
THOMAS FATA;
STEVEN FATA; and
JOSEPH FATA;**

Respondents.

The undersigned state and agree as follows:

1. The State of Iowa ex rel. Thomas J. Miller, Iowa Attorney General, enters into this Assurance of Voluntary Compliance ("AVC") with The Mandatory Poster Agency, Inc. ("MPA"), d/b/a (currently or formerly) Iowa Labor Law Poster Service, Iowa Food Service Compliance Center, and Iowa Healthcare Compliance Center, and with MPA's principals, Thomas Fata, Steven Fata, and Joseph Fata (collectively, with MPA, "Respondents") to resolve the Attorney General's concerns regarding Respondents' compliance with Iowa Code § 714.16, the Iowa Consumer Fraud Act ("CFA"), in connection with MPA's marketing of workplace posters in Iowa.

2. Respondents deny wrongdoing or liability of any kind, but have agreed to enter into this AVC in order to resolve all issues raised during the Attorney General's inquiry.

IT IS THEREFORE AGREED in connection with advertising, sales, solicitations, or other marketing of posters directed to Iowa residents or conducted from an Iowa location, that:

1. The return address, street address, and mailing address used in MPA's advertising materials¹ shall not mislead regarding where MPA is located or regarding the status of MPA as a

¹ The term "advertising materials" in this AVC includes telephone scripts, unless the context otherwise requires.

governmental entity or as being associated with a governmental entity. Without limiting the foregoing, any such address shall be a location where substantial business operations are conducted by or on behalf of MPA, such as a business headquarters or branch office, and MPA shall not use a Washington, D.C. address.

2. MPA shall not use a d/b/a name that indicates it is a governmental entity or is associated with a governmental entity or is acting for or on behalf of a governmental entity. No d/b/a name will include "agency" or "compliance center."

3. MPA shall not employ in advertising materials a bald-eagle logo, and no logo shall be used that is like that of a governmental entity.

4. MPA shall not use the term "advisory" to characterize a solicitation.

5. In determining whether MPA's advertising materials violate general prohibitions of this AVC, such materials shall be viewed in their totality and read as a whole without isolating words or phrases; provided, however, that disclosures or disclaimers may be used for clarification but may not be relied upon to correct a false impression affirmatively created by other aspects of the materials.

6. Any offered discount or savings deadlines shall be real deadlines. MPA shall not convey the impression that a response by a particular date will qualify the purchaser for a particular discount, savings or other benefit, if purchasers who do not respond by the deadline may purchase on the same terms as those who do.

7. MPA shall not misrepresent, expressly or by implication, a law in advertising materials.

8. Advertising materials shall not state or imply that any person is a customer of MPA or had a prior business relationship with MPA unless it is true.

9. MPA's advertising materials shall not falsely state or imply that MPA's posters, as distinguished from posters its competitors sell or posters available from government agencies, are mandatory or are approved by government agencies. MPA's advertising materials may indicate that it is mandatory or required by law to post the notices in its posters, to the extent such an indication is fully accurate.

10. Any reference in advertising materials to the availability of posters free from governmental agencies shall state that posters *are*, rather than *may be*, available free from governmental agencies, if Respondents can reasonably ascertain that such is the case.

11. Respondents shall not individually or through another entity conduct marketing activities in Iowa that would violate this AVC if MPA engaged in such conduct.

12. The documents attached as Exhibit A have been submitted to and reviewed by the Consumer Protection Division ("CPD"), with the expectation that CPD representatives would make a good faith effort to notify Respondents prior to the effective date of this AVC of potential concerns regarding consumer fraud and/or AVC compliance that arise from such materials, and with the understanding that the good faith effort to provide such notification to Respondents does not limit the Attorney General's enforcement options going forward.

13. In addition to whatever other legal remedies may be available, a violation of this AVC, established by the State by a preponderance of clear, convincing and satisfactory evidence in a judicial proceeding, constitutes a violation of the CFA.

14. Before initiating any proceeding against any Respondent with respect to any alleged violation of this AVC, the State shall first provide a thirty-day advance written notice to Respondents to provide an opportunity to address the alleged violation and confer with the State about it, which notice shall specify the alleged violation and detail facts that support it.

15. Contemporaneously with execution of this AVC, MPA will deliver a \$30,000.00 check to the Attorney General to be deposited by the Attorney General into the fund created by Iowa Code § 714.16C (2011). No part of this payment shall be deemed a penalty of any kind. This payment shall not affect MPA's established pre-AVC policy regarding customer refunds.

16. The State shall not institute any further proceedings or take any further action against Respondents alleging violations of the CFA that occurred prior to the effective date of the AVC based on the conduct described in the State's Application to Enforce Attorney General's Civil Investigative Demand filed October 26, 2011 in the Iowa District Court for Polk County, Equity No. CE 69769 ("Case").

17. Nothing in this AVC, or the fact that Respondents have entered into this AVC, constitutes an admission of wrongdoing or liability on the part of any Respondent.

18. All notices given under this AVC shall be in writing and shall be given by (i) hand-delivery, (ii) overnight courier service delivery, or (iii) United States Mail (postage pre-paid certified mail, return receipt requested), addressed as set forth below:

If to the State, to:

Steve St. Clair
Assistant Attorney General
Consumer Protection Division
Iowa Department of Justice
1305 East Walnut
Des Moines, Iowa 50319

With copies to:

Iowa Attorney General
Attn: Director, Consumer Protection Division
State Capitol
Des Moines, Iowa 50319

If to Respondents, to:

Steve Fata
The Mandatory Poster Agency, Inc.
5859 W Saginaw Hwy # 343
Lansing, MI 48917

With copies to:

David R. Brake
Knaggs, Harter, Brake and Schneider, P.C.
7521 Westshire Dr. Ste 100
Lansing MI 48917

Jay Eaton
Nyemaster Goode Law Firm
700 Walnut Street, Suite 1600
Des Moines, IA 50309

All notices shall be deemed given upon the earlier to occur of: (i) hand-delivery, (ii) one business day after the deposit of such notice with an overnight courier service by the time deadline for next-day delivery, or (iii) depositing in the United State Mail as set forth above. All notices shall be addressed to the persons and addresses set forth above, or to such other persons or at such other place as any party may by notice designate as a person and/or place for service of notice.

Each of the undersigned represents he has authority to enter into this AVC on behalf of the indicated parties, and each enters into this agreement effective as of July 1, 2012.

RESPONDENTS

THE MANDATORY POSTER AGENCY,
INC.

By 

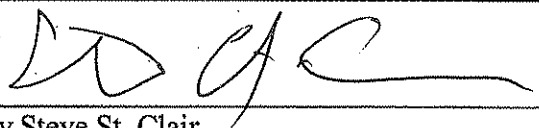
Its President


THOMAS FATA


STEVEN FATA


JOSEPH FATA

THE STATE OF IOWA ex rel. THOMAS J.
MILLER, IOWA ATTORNEY GENERAL


By Steve St. Clair
Assistant Attorney General

RENEWAL NOTICE



IOWA LABOR LAW POSTER SERVICE
5859 W. SAGINAW HWY #343
LANSING, MICHIGAN 48917-2460

10

Notice Date	2012-
Key Code	

New State and Federal Posters for 2012!

UPDATE ALERT: Please be advised that Labor Law posting notices are frequently being amended, potentially making the posters your company purchased from us on _____ out of date with current Labor Law posting requirements. Return this notice with your payment by _____ to **Save 17%** and receive a _____ discount off the regular price of the newly revised **2012** State and Federal Labor Law posters.

Qty	Description	Total
	Complete Set(s) of 2012 State & Federal Posters	
	17% Discount by _____	
	Shipping	
	TOTAL BY _____	
	TOTAL AFTER _____	

The Iowa Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any government agency. Certain posters are available free from issuing governmental agencies.

SHIP TO IF DIFFERENT THAN ABOVE:

PAYMENT OPTIONS

☐ CREDIT CARD Circle one: Visa Mastercard AmEx Discover

☐ CHECK[illegible]

Credit card #

Exp. date /

Signature _____

Notice Date	2012-
Key code	
TOTAL BY	
TOTAL AFTER	
Amount Enclosed	

PLEASE INCLUDE KEY CODE ON YOUR CHECK.

Mail payment to:
IOWA LABOR LAW POSTER SERVICE
5859 W. SAGINAW HWY #343
LANSING, MICHIGAN 48917-2460

Fax credit card orders to 888-442-4144

[EXHIBIT A (page 1 of 2)]



UPDATE NOTICE



IOWA LABOR LAW POSTER SERVICE
5859 W. SAGINAW HWY #343
LANSING, MICHIGAN 48917-2460

TO: _____

Notice Date	2012-
Key Code	

New State and Federal Posters for 2012!

UPDATE ALERT!

Please be advised that Labor Law posting notices are frequently being amended, potentially making your company's current Labor Law posters out of date with current Labor Law posting requirements. Return the order form below with payment by _____ to **Save 17%** and receive a **\$10** discount off the regular price of the newly revised **2012** State and Federal Labor Law posters.

Description	Total
Complete Set(s) of 2012 State & Federal Posters	\$ 59.50 / set
17% Discount by _____	- \$ 10.00 / set
Shipping	\$ 7.75 / set
TOTAL BY _____	\$ 57.25 / set
TOTAL AFTER _____	\$ 67.25 / set

The Iowa Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any government agency. Certain posters are available free from issuing governmental agencies.

ORDER FORM

SHIP TO (IF DIFFERENT THAN ABOVE):

PAYMENT OPTIONS

☐ CREDIT CARD Circle one: Visa Mastercard AmEx Discover
☐ CHECK

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Credit card #

Exp. date ____ / ____

Signature _____

Fax credit card orders to 888-442-4144

QTY ORDERED	Notice Date	2012-	TOTAL
	Key code	A12345678901	
	TOTAL BY	\$ 57.25 / set	
	TOTAL AFTER	\$ 67.25 / set	
Amount Enclosed			

Posters Also Available in Spanish - Please Call

PLEASE INCLUDE KEY CODE ON YOUR CHECK.

Mail payment to:

IOWA LABOR LAW POSTER SERVICE
5859 W. SAGINAW HWY #343
LANSING, MICHIGAN 48917-2460

[EXHIBIT A (page 2 of 2)]

